

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**RALIK HAMILTON,**

**Plaintiff,**

**vs.**

**9:12-CV-0744  
(TJM/TWD)**

**MICHAEL GRAZIANO, Superintendent,  
Greene Correctional Facility, et al.,**

**Defendants.**

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**THOMAS J. McAVOY,  
Senior United States District Judge**

**DECISION & ORDER**

**I. INTRODUCTION**

This *pro se* action brought pursuant to 42 U.S.C. § 1983, was referred to the Hon. David E. Peebles, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to Magistrate Judge Peebles's Order and Report-Recommendation [dkt. # 39] have been filed, and the time to do so has expired.

**II. DISCUSSION**

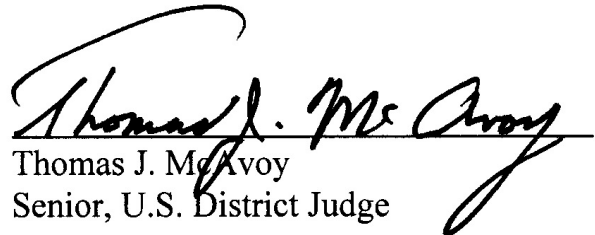
After examining the record, this Court has determined that the Order and Report-Recommendation is not subject to attack for plain error or manifest injustice.

### III. CONCLUSION

Accordingly, the Court **ADOPTS** the Order and Report-Recommendation [dkt. # 39] for the reasons stated therein. Therefore, Defendants' motion to dismiss [dkt. # 38] is **GRANTED**, and Plaintiff's amended complaint in this action is **DISMISSED** in its entirety as against both defendants, with prejudice, based upon his failure to prosecute and to appear for deposition in the action, as required by court order. The Clerk may close the file in this matter.

**IT IS SO ORDERED.**

Dated: December 12, 2014

  
Thomas J. McAvoy  
Senior, U.S. District Judge